

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 25 June 2001 (25.06.01)	
International application No. PCT/EP00/08966	Applicant's or agent's file reference CRO-001-PCT
International filing date (day/month/year) 14 September 2000 (14.09.00)	Priority date (day/month/year) 15 September 1999 (15.09.99)
Applicant MERTENS, Joris, Georges et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 12 April 2001 (12.04.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Zakaria EL KHODARY Telephone No.: (41-22) 338.83.38
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REC'D 17 OCT 2001

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CRO-001-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/08966	International filing date (day/month/year) 14/09/2000	Priority date (day/month/year) 15/09/1999
International Patent Classification (IPC) or national classification and IPC B65F7/00		
Applicant MERTENS, Joris, Georges et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12/04/2001	Date of completion of this report 15.10.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Cazacu, C Telephone No. +49 89 2399 2645 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/08966

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-8 as originally filed

Claims, No.:

1-21 as originally filed

Drawings, sheets:

1-3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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EXAMINATION REPORT**

International application No. PCT/EP00/08966

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 3-19.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said-claims Nos. 18, 19 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

☐ restricted the claims.

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International application No. PCT/EP00/08966

- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
- ☐ not complied with for the following reasons:
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-3, 20.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims
	No:	Claims 1, 2, 20,
Inventive step (IS)	Yes:	Claims 3
	No:	Claims
Industrial applicability (IA)	Yes:	Claims 1-21
	No:	Claims

2. Citations and explanations see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

III.

1. The application does not meet the requirements of Article 6 PCT, because claim 18 is not clear.

Claim 18 refers to a detachable reservoir without defining any of the characteristics of the reservoir. The reference to the container according to any of the claims 1-17 is not clear, since it is not clear which relationship there is between the reservoir and the container.

2. The back reference to claim 2 in claim 5 renders the subject-matter of claim 5 unclear due to its appearing to be redundant.
3. Considering that the combination of claim 1 with any of the claims 3-17 would lead to a priori lack of unity between the device claim and the method claim, no opinion is being made on the novelty and inventive step of the dependent claims.

IV./V.

1. The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claim 20 is not new.

The features of claim 20 are of trivial nature in the field of garbage treating, being anticipated by several documents: DE-A-196 10 944 (D1) (see col. 2, lines 25-34; col. 3, lines 57-66; col. 4, lines 27-36; Figs. 1-5); US-A-1 520 828 (D2) (claim; Fig. 1); WO 9602282 (Abstract, claim 1; Figs. 1-3), GB-A-2 270 262 (D4) (abstract; Fig. 2), etc.

2. The subject-matter of claim 1 is not new for the same reasons as claim 20.
3. The subject-matter of claim 2 is not new in view of document D3 (see abstract, mixture of a fragrance and a bactericide).
4. The combination of the features of dependent claim 3 is neither known from, nor rendered obvious by, the available prior art.

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International application No. PCT/EP00/08966

A method claim adapted to a container claim amended in accordance with claim 3 would appear meet the requirements of Article 33(2) and (3) PCT.

VII.

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D4 is not mentioned in the description, nor are these documents identified therein.

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CRO-001-PCT	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 00/ 08966	International filing date (day/month/year) 14/09/2000	(Earliest) Priority Date (day/month/year) 15/09/1999
Applicant MERTENS, Joris, Georges		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 04 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

CONTAINER FOR GARBAGE COLLECTION

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

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International application No.

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Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

The invention relates to a container for garbage collection, more specifically for the odour-free disposal of domestic garbage, garden garbage and such. More specifically this invention relates to a container for odourless garbage collection, comprising means for de-odourizing and/or a deodorant, for the purpose of neutralising bad-smelling fumes originating from the garbage, directly or indirectly via chemical and/or biological processes.

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International Application No

T/EP 00/08966

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B65F7/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B65F A61L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 196 10 944 A (DYNAMICS GESELLSCHAFT FÜR UMWELTSCHUTZ & BIOLOGISCHE VERFAHRENSTECHNIK) 13 February 1997 (1997-02-13) column 3, line 5 -column 4, line 46 figure 4	1,2,8,9, 11,20,21
Y	US 1 520 828 A (H. LEWIS) 30 December 1924 (1924-12-30) the whole document	1,2,8, 10-13, 15,17,20
Y	GB 2 324 468 A (KK MUSSHU) 28 October 1998 (1998-10-28)	1,2,8, 10-13, 15,17,20
X	the whole document	18
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

31 January 2001

Date of mailing of the international search report

06/02/2001

Name and mailing address of the ISA

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Authorized officer

Smolders, R

INTERNATIONAL SEARCH REPORT

International Application No

CT/EP 00/08966

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 1 490 314 A (J. CALLAHAN) 15 April 1924 (1924-04-15) cited in the application	8, 11
A	the whole document ---	1, 17, 20
Y	GB 2 270 262 A (D. DONWORTH) 9 March 1994 (1994-03-09)	13, 15
A	the whole document ---	1, 17, 18, 20
X	EP 0 878 202 A (EUROVIX SRL) 18 November 1998 (1998-11-18)	20
A	the whole document ---	1, 2, 4, 5
A	WO 96 02282 A (CASTLE-GATE TRADING LTD) 1 February 1996 (1996-02-01) page 1, line 1 -page 3, line 7 page 5, line 14 -page 6, line 19 page 7, line 7 -page 9, line 25 figures 1-7 ---	1, 2, 5, 6, 8, 10, 11, 17, 18, 20, 21
A	DE 197 47 686 A (U. LANGEN ET AL.) 8 July 1999 (1999-07-08) the whole document ---	1, 8, 11, 15, 17, 18
A	US 4 871 539 A (K. HATA ET AL.) 3 October 1989 (1989-10-03) column 1, line 13 - line 25 -----	1, 20

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

EP 00/08966

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 19610944	A	13-02-1997	DE 29512821 U	26-10-1995
US 1520828	A	30-12-1924	NONE	
GB 2324468	A	28-10-1998	JP 3096657 B	10-10-2000
			JP 10290828 A	04-11-1998
			CA 2235162 A	18-10-1998
US 1490314	A	15-04-1924	NONE	
GB 2270262	A	09-03-1994	NONE	
EP 878202	A	18-11-1998	IT MI971141 A	16-11-1998
WO 9602282	A	01-02-1996	AU 705271 B	20-05-1999
			AU 2896195 A	16-02-1996
			NZ 289196 A	24-04-1997
			ZA 9504645 A	26-01-1996
DE 19747686	A	08-07-1999	NONE	
US 4871539	A	03-10-1989	JP 1740493 C	15-03-1993
			JP 4029348 B	18-05-1992
			JP 60149527 A	07-08-1985
			AU 4503485 A	22-01-1987
			EP 0208818 A	21-01-1987
			IN 162045 A	19-03-1988